

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2022 OCT 18 PM 3: 12

CLERK

BY EM
DEPUTY CLERK

FRIENDS OF PINE STREET, d/b/a PINE
STREET COALITION,

Plaintiff,

Fortieth Burlington, LLC,

Intervenor Plaintiff,

v.

Case No. 5:19-cv-95

MAYELA SOSA, in her capacity as Acting
Executive Director of the Federal Highway
Administration; JOE FLYNN, in his
capacity as Secretary of the State of
Vermont Agency of Transportation; and
MIRO WEINBERGER, in his capacity as
Mayor of Burlington,

Defendants.

ENTRY ORDER

(Doc. 69)

Following a status conference on October 14, 2022 (*see* Transcript, Doc. 80), the court orders as follows:

1. The court adopts the merits briefing schedule proposed by the parties in their Joint

Motion for Entry of Stipulated Scheduling Order; that motion (Doc. 69) is GRANTED.

This schedule requires filing of the administrative record not later than October 31, 2022.

Motions for summary judgment are due on December 23, 2022 (Plaintiff and Intervenor)

and February 6, 2023 (Defendants). Briefing shall be complete by April 10, 2023. The

court does not anticipate any further extension of the schedule.

2. Plaintiff has filed a motion for a preliminary injunction to halt construction in the 2023 building season until the court issues a ruling on the motions for summary judgment (Doc. 75). Defendants' response is due November 1, 2022. The same date applies to any filing by the intervenor. The court has scheduled a full day for the hearing on November 18, 2022, in Burlington (Courtroom 110) commencing at 8:30 a.m. The plaintiff and intervenors are allotted the morning for their witnesses (including reasonable cross examination). The defendants have the afternoon. The parties are free to adjust the order of witnesses by agreement, but the evidence should be complete by the end of the day on November 18, 2022. The court has previously committed to issuing a decision within 60 days of the completion of summary judgment briefing. The period at issue in the preliminary injunction hearing is the 60 days running from April 10 to approximately June 10, 2023.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 18th day of October, 2022.

/s/ Geoffrey W. Crawford
Chief Judge
United States District Court